



City of Carmel

MINUTES

Carmel Board of Zoning Appeals

Regular Meeting

Monday, June 22, 2009

6:00 PM

Council Chambers

Present: James Hawkins (President)
Kent Broach
Leo Dierckman
Earlene Plavchak
Madeleine Torres
Lisa Stewart (Acting Secretary)

Staff members in attendance: Mike Hollibaugh, DOCS Director
Christine Barton-Holmes, Planning Administrator
Rachel Boone, Planning Administrator

Legal Counsel: John Molitor

Previous Minutes

On a motion made by Earlene Plavchak and seconded by James Hawkins

The Minutes for the meeting dated May 18, 2009 were approved as circulated.

MOTION CARRIED UNANIMOUSLY

Department Report: Christine Barton-Holmes

- Items 5-6h, Meridian & Main tabled by Petitioner to July 27, 2009
- Item 7h, Docket No. 09050014 V withdrawn by Petitioner
- Items 9-14h, Range Line Road Self-Storage withdrawn by Petitioner
- Items 15-16h, Rangeline Commercial tabled by Petitioner to July 27, 2009

Legal Report: John Molitor

- Item 1i indefinitely tabled in deference to Plan Commission which has filed suit against the property owner, Mr. Lewis
- Nothing new on pending litigation with American Tower Corporation
 - Have not received writ of certiorari from the Court
 - That will require secretary to certify the record to the Court for review
 - Prepared to respond when it comes
 - Executive session may be required next month

H. Public Hearing:

1-4h. Penn Mark Plaza I & II – Signage

The applicant seeks the following development standards variance approvals:

Docket No. 09050015V	25.07.02-10 (b)	Number of signs
Docket No. 09050016V	25.07.02-10 (b)	Possible two signs facing west ROW on each building
Docket No. 09050017V	25.07.02-10 (b)	Possible north and/or south elevation sign not facing ROW on building II
Docket No. 09050018V	25.07.02-10 (c)	Total square footage

The site is located at 11595 N. Meridian St. It is zoned B-6/Business, within the US 31 Overlay Zone. Filed by Steve Granner of Bose McKinney & Evans on behalf of Zeller Management Corporation.

Present for Petitioner:

Joe Calderon, Bose McKinney & Evans

- Asking to permit 3 tenant ID signs for each building in addition to existing building identification signs (names of building and addresses)
 - Penn Mark I is 11595 N. Meridian (8 stories)
 - Penn Mark II is 11555 N. Meridian (5 stories)
- Each building fronts Meridian and Pennsylvania
- Penn Mark I also fronts 116th Street
- Sign Ordinance permits signage on each street frontage
- Requesting three possible sign locations for Penn Mark I on the west façade
 - Renderings shown
 - Only two signs may face west at any given time
 - One sign may be centered or one sign may be at the north end and one sign at the south end of the west façade
- One possible location on north façade of Penn Mark I (116th Street)
 - Campbell Kyle Proffitt sign existing on north facade
- One possible location on east façade of Penn Mark I (Pennsylvania Street)
- Three possible locations for Penn Mark II on the west façade (Meridian Street)
 - Only two signs may face west at any given time
 - One sign may be centered or one sign may be at the north end and one sign at the south end of the west façade
- Also one possible location for each of the other three façades for Penn Mark II
 - Similar to variances for other buildings in the corridor
- Total number of tenant ID signs for both buildings would be six with maximum square footage of 550 square feet
 - 460 square feet allowed for 5 permitted signs; took average to get 90 square feet for one additional sign
 - Maximum sign size for any façade would be 105 square feet
- Waiting for Special Studies July approval for ADLS Amendment

Public Hearing closed.

Department Report:

Rachel Boone

- Basically asking for one additional sign on Penn Mark II
 - Two signs facing Meridian at any given time

- Only one sign will face Meridian if they choose center location
- Fair compromise averaging of permitted square footage
 - Has been done in other locations
 - 75 square feet permitted to face Meridian
 - 100 square feet permitted to face 116th Streets
 - 105 square feet permitted to face Pennsylvania
- Depending on location of signs, there may not be a sign facing Pennsylvania or facing north or south on Penn Mark II
- Gives options for tenants to have signage; but limits to three tenant identification signs for each building
- New sign for Signa Sagamore on west façade in addition to Campbell Kyle Proffitt on north façade on Penn Mark I
- Currently no signage on Penn Mark II
- Sign package remains the same
 - Ivory individual letters internally illuminated with bronze returns

Department recommended positive consideration.

Discussion:

- Staff report was corrected
 - Should have read one on north, east and south and three on west
- Everyone was comfortable with 550 square feet total; with 105 maximum
 - Department will keep track

Motion: On a motion made by Kent Broach and seconded by Leo Dierckman:

Docket Nos. 09050015 V through 09050018 V, Penn Mark Plaza I & II, be approved.

MOTION CARRIED UNANIMOUSLY

5-7h. Meridian & Main TABLED to July 27, 2009

The applicant seeks the following development standards variance approvals and use variance approval:

Docket No. 09050012 V 23B.08.03.A.1 Building height under 26'/one occupiable floor

Docket No. 09050013 UV 23B.05.02.A 100% GFA for retail; 15% permitted

Docket No. 09050014 V 23B.08.05.A Building footprint under 15,000 square feet

The site is located at 1440 Main Street West and is zoned B6 within the US 31 Overlay.

Filed by Joseph Scimia of Baker & Daniels and James Browning of Browning Investments for Meridian 131, LLC.

8h. Carmel Clay Schools River Road Fields Commitment Amend

The applicant seeks the following commitment amendment approval:

Docket No. 09050008 CA 200500028739 Athletic Fields time restriction amendments

The site is located at 12800 River Road and is zoned S1/Residential.

Filed by Ann O'Hara of Church Church Hittle & Antrim for Carmel Clay Schools.

Present for Petitioner:

Ann O'Hara

- Commitments approved in 2005
- Change would allow Sunday use of three north fields; 1:00-4:00 pm
- Use June 16 through July 31 for day camps

- Use August 1-15 for extended hours; 8:00-11:00 am and 4:00-7:00 pm
- All other commitments are still in effect
- Does not increase night time usage; 8:00 pm as per commitments
- Revisions approved by Carmel School Board
- Received comments from Plum Creek Homeowners Association and other neighbors
 - None had concerns

Favorable:

David Stamps, 12560 Medalist Parkway, adjacent to River Road Soccer fields

- Point of clarification
- No problem with this change; compatible with intended use of fields
- Appreciate process
- Concerned for procedure for addressing modifications

James Brocke, 5940 Chapmans Trail

- Complimented BZA and School Board for process followed
- Usage of fields benefit youth and community

Public Hearing closed.

Department Report:

Christine Barton-Holmes

- Extensive list of commitments from 2005
- Modifications only within the terms of use
- Commitments related to loud speakers, lighting and seating will not change
- No physical changes
- Adding time to the days of use and extending season are only changes
- Fields would not need lights; increase of use all daytime hours

Department recommended positive consideration.

Discussion:

- By State law, proper procedure for modifications to commitments is approval by BZA at a noticed public hearing
 - Neighbors contiguous to the property did receive notice
 - Other neighbors contacted by phone by the school

BZA Board voted unanimously to approve Docket No. 09050008 CA, Carmel Clay Schools River Road Fields Commitment Amend.

9-14h. Range Line Road Self-Storage WITHDRAWN

The applicant seeks the following development standards variance approvals and use variance approval for a self-storage facility:

Docket No. 09040018 V	Section 23F.05.01.B	Increase in required build-to line
Docket No. 09040019 V	Section 23F.10.08	Installation of metal awnings in Range Line Rd/Carmel Dr Overlay
Docket No. 09040020 V	Section 23F.15.02/23.F.11.03	Parking in front of building
Docket No. 09040021 V	Section 25.07.02-07(b)	Increase in number of permitted signs

Docket No. 09040022 V Section 25.07.02-07(b) Two signs facing west right-of-way
Docket No. 09040023 UV Appendix A: Use Table Self-storage in B3 District/Range Line
Rd/Carmel Dr Overlay

The site is located at 969 Range Line Road and is zoned B3 within the Carmel Drive/Range Line Road and US 31 Overlays.

Filed by Jon Dobosiewicz of Nelson & Frankenberger for Glick Acquisitions, LLC.

15-16h. Rangeline Commercial TABLED to July 27, 2009

The applicant seeks the following development standards variance approvals for building restoration:

Docket 09040005 V Section 23D.03.A.1.a.ii Lot width reduced to 45' for all uses
Docket 09040006 V Section 23D.03.A.1.a.iii Lot coverage increased to 60% residential/80% commercial

The three sites are located at 411-431 North Rangeline Road

Filed by David Barker of Barker Law for I.E. Investments, LLC.

I. Old Business

1i. 646 Johnson Drive Appeal TABLED INDEFINITELY

The applicant seeks the following permit issuance appeal:

Docket No. 09020014 Appeal Appeal of Permit No. 09010003 Accessory Structure Size

The site is located at 646 Johnson Drive and is zoned R1/Single-family residential

Filed by: Howard & Holly Green; John & Beryl Colosimo; James & Laura Dunn; Judy Wagner; and Michael & Susan Shaw, neighbors.

17h. Lowe's Outdoor Storage

The applicant seeks the following development standards variance approval to create permanent outdoor storage:

Docket No. 09040024 V Section 27.08 Parking regulations Reduction in required parking

The site is located at 14598 Lowe's Way and is zoned PUD.

Filed by Peter Velde of Kightlinger & Gray, LLP for Lowe's Home Centers, Inc.

Present for Petitioner:

Peter Velde

- May 18 meeting discussed desire to expand garden center into east parking lot in order to maintain inventory
- New packet updated staff recommendation
- Lowe's has paid fines and resolved outstanding citations and violations
- No zoning violations since May 13
- Concerns with development
 - New rendering showing changes
 - East wall and south elevation of storefront will be bricked instead of screened
 - Windows of brick are indented to match existing building
 - Trees added in front and back to break brick expanse
 - Shrubbery added along side
 - Findings of Fact have not changed and will be adopted as part of the proposal

Public Hearing closed.

Department Report:

Christine Barton-Holmes

- Elevations changed substantially from original submittal
- Worked with Department for screened wall in keeping with design of building
- Solid brick wall matches existing wall
- Landscaping added and integrated with storm water filtration system
- Approved by Special Studies June 2, 2009 for ADLS Amend for design of building

Department recommended positive consideration.

Discussion:

- Outdoor storage should be eliminated with 17,000 to 18,000 square foot expansion
- If this expansion is not sufficient, an additional store would be built to take extra load
- Lowe's was apologetic about misconception of the way they run their business
- This process has heightened awareness of problems with outdoor storage
- Per commitment, materials will not be stacked higher than walls
- Staff was thanked for their help

Motion: On a motion made by Leo Dierckman and seconded by Earlene Plavchak:

Docket No. 09040024 V, Lowe's Outdoor Storage, be approved.

MOTION CARRIED UNANIMOUSLY


Motion: On a motion made by Kent Broach and seconded by Leo Dierckman

The Meeting be adjourned.

MOTION CARRIED UNANIMOUSLY

The meeting adjourned at 6:45 PM.

Approved this 27th day of July 2009



President - James R. Hawkins



Secretary - Connie Tingley